

DAMON A. BENSON

Plaintiff

V.

CIVIL ACTION NO. 23-CV-3300

SHERIFF JOHN DOE, et al.,

Defendants

MOTION

FOR EXTENTION OF TIME I humbly ask that the court alot me an extension of time; due to the fact that, my efforts and Due Diligence have lead me to Pennsylvania Department Of Corrections where I had submitted *The Right To know Act: among other places*, which they seek "further view" in order to relinquish all names and badge number of transporting officers, employees of Delaware County Sheriff Department. See attachments:

**Pennsylvania Department of Corrections
Right-to-Know Office
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050
Telephone 717-728-7763
Fax 717-728-0312**

February 22, 2024

Smart Communications/PADOC
Damon Benson, JS9622
SCI-Frackville
PO Box 33028
St Petersburg, FL 33733

Re: RTKL #0198-24
Interim Response

Dear Mr. Benson,

This letter acknowledges receipt by the Department of Corrections (the Department) of your written request for records under the Pennsylvania Right-to-Know Law (RTKL). Your request was received on February 21, 2024.

In accordance with the RTKL, you are hereby notified that, for the reason set forth below, the Department is extending the final response date of your request to March 29, 2024

- A legal review is necessary to determine whether the record requested is subject to access under the Act.

At this time, the Department is unable to provide you with an estimated cost to fulfill your current request if it is granted. Any actual or estimated fees will be identified in the Department's future response.

Sincerely,

Yih sien Han

Yih sien Han
Deputy Agency Open Records Officer

Enclosure

cc: File

Received

FEB 21 2024



pennsylvania
OFFICE OF OPEN RECORDS

Right-to-Know Office, Tracking #

0198-24

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: SCT. Smithfield (Attn: AORO)

Date of Request: 2/18/2024 Submitted via: ☐ Email ☒ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Name: Damon Benson JS-9682 Company (if applicable): a.k.a. Martin Fuller

Mailing Address: SCT-Frackville/PA-07/Harmon Blvd

City: Frackville State: PA Zip: 17931 Email: _____

Telephone: _____ Fax: _____

How do you prefer to be contacted if the agency has questions? ☐ Telephone ☐ Email ☐ U.S. Mail

RECORDS REQUESTED: Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.

I need actual names & badge numbers of both Sheriff(s) on the date of 11/18/2022; they came on that date to transport me, Damon Benson a.k.a. Martin Fuller # JS-9682 - To George W. Hill, Correctional Facility on that above date, at approx. 9:00 a.m.

DO YOU WANT COPIES? ☒ Yes, printed copies (default if none are checked)
☐ Yes, electronic copies preferred if available
☐ No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? ☐ Yes (may be subject to additional costs) ☒ No

RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than ☐ \$100 (or) ☐ \$_____.

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: \$ _____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

NOTE: In most cases, a completed RTKL request form is a public record.

More information about the RTKL is available at <https://www.openrecords.pa.gov>

Form updated Feb. 3, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMON A. BENSON,
Plaintiff,

v.

SHERIFF JOHN DOE, *et al.*,
Defendants.

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:
:
:

CIVIL ACTION NO. 23-CV-3300

ORDER

AND NOW, this 21st day of December, 2023, upon consideration of Plaintiff Damon A. Benson's Second Amended Complaint (ECF No. 15), which named two John Doe Defendants from the Delaware County Sheriff Department, it is **ORDERED** that:

1. The Clerk of the Court is **DIRECTED** to amend the Caption to reflect the caption of the Amended Complaint. The Clerk of Court is **DIRECTED** to **TERMINATE** the following Defendants: Delaware County Sheriff Department; Delaware County Sheriff John Doe (2); Delaware County Sheriff John Doe (1); and Delaware County.

2. The case shall proceed at this time to service by the U.S. Marshal Service, in accordance with 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3). However, service cannot be made on the unidentified Defendants Sheriff John Doe One and Sheriff John Doe Two unless or until Benson provides sufficient identifying information to allow for service. It is Benson's responsibility to notify the Court of the Defendants' identities if/when that information is obtained.

3. Accordingly, once Benson has obtained sufficient identifying information for Sheriff John Doe One and Sheriff John Doe Two, he must file a Motion to Substitute, in which he provides that information to the Court to allow for substitution of the John Doe Defendants.

5555825591

INMATE MAIL

PA DEPT OF

Quotient

FIRST-CLASS MAIL

US POSTAGE

Damon Brinson / 3 Shesapeake Mall

DET-Frackville/BA-07
 1111 Altamont Blvd.
 Frackville, PA 17931

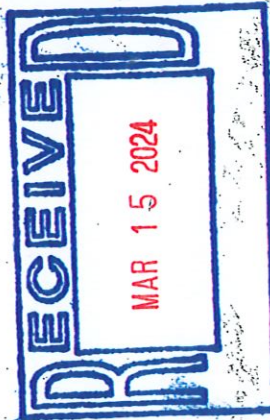
TCO - Records Department

SCT - Smith Field

1125 PIKE ST. P.O. Box 999

Huntington, PA 14652

Damon A. Benson / JS-9622
SCT-Frackville / BA-07
111 Altamont Blvd.
Frackville, PA 17931



INMATE MAIL
PA DEPT OF
CORRECTIONS
Office Of The Clerk
United States District Court
504 Hamilton Street
Allentown, PA 18101

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